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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	KALISH et al.	Examiner:	Mohammed A Siddiqi
Serial No.:	09/713,275	Group Art Unit:	2154
Filed:	November 15, 2000	Attorney Docket No.:	P-3364-US
Title:	METHOD OF NAVIGATING THROUGH CELLULAR NETWORK		

APPELLANTS' SUPPLAMENTAL BRIEF

Commissioner for Patents
Washington, DC 20231

Sir:

Appellants, formerly the applicants, submit this Supplemental Brief in response to the Notification of Non-Compliant Appeal Brief (attached) mailed on August 30th, 2005. The Original Appeal Brief was filed on June 17th 2005 under 37 CFR 1.192 in response to the Notice of Appeal filed on December 17, 2004. The Original Appeal Brief was submitted in triplicate with the requisite fee of $250.00, in accordance with 37 CFR 1.17(f), and a Petition For A Four Month Extension of Time, under 37 CFR 1.136 along with the Extension fee of $795.00, in accordance with 37 CFR 1.17.

Applicants' Supplemental Brief is also being submitted in triplicate.

Appellants request consideration of this Supplemental Appeal Brief, reversal of all rejections of claims 1-23, and allowance of these claims.

I.   REAL PARTY IN INTEREST

The real party in interest is Unipier LTD., an Israeli Corporation, of Netanya, Israel, the assignee of the entire right, title and interest in the above listed Patent Application.

II.   RELATED APPEALS AND INTERFERENCES

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Appellants do not have, and are not aware of, any related appeals and/or interferences in the United States Patent and Trademark Office.

III.   STATUS OF CLAIMS

Claims 1-23 are presently pending. Claims 1-23 are presently under Final rejection, as per the Final Office Action of August 17, 2004 (paper number 13). Claims 1-23 are the subject of the instant Appeal.

IV.   STATUS OF AMENDMENTS

Claims 1-23 have not been amended subsequent to their being finally rejected in the Final Official Action of August 17, 2004.

V.   SUMMARY OF THE INVENTION

The invention is directed to a method of navigating and orienting through network hypertext language based pages ("network/web pages") using the limited space available on the screens of mobile devices (e.g. cell phones). The claimed invention enables user interaction by aggregating any collection of network pages ("track pages") and arranging them into sequences of network pages' URLs (navigation track), placing navigation track at accessible memory location on the network ("navigation track source"), loading navigation track from navigation track source, setting current track location-code to the first page of the navigation track, downloading track page data according to current track location-code, and editing current track page hypertext content: ("modified track page").

This enables a user to see as large of a fragment or portion of a web page as may fit onto the user device's screen, and will provide on the user device's screen navigation links to other fragments of the page, which other fragments did not fit on the screen.

VI.   CONSISE EXPLANATION OF INDEPENDENT CLAIMS 1

As the preamble of independent claim 1 states, the claim covers a method navigating through hypertext based documents (e.g. web pages) using a mobile device. Since most mobile devices have screens which are much smaller than regular computers,

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only small segments of the document may be view on a signal screen. Thus, the claim

covers a method for navigating between segments of a full document. The version of

claim 1 shown below has been marked up to indicate where in the specification

support for each of the claim limitations may be found:

1. A method of navigating and orienting through network hyper text language based

   pages ("network page") using designated mobile device for displaying network page

   content and enabling user interaction comprising the steps of:

   A.   Aggregating any collection of network pages ("track pages") and arranging
        them into sequences of network pages' URLs ("navigation track"); **(Pg. 7,
        Para. 2) (Pg. 10, Para. 1)**

   B.   Placing navigation track at accessible location on the network ("navigation
        track source") **(Pg. 13, Para. 2) (Pg. 13, Para. 2)**

   C.   Loading navigation track from navigation track source; **(Pg. 14, Para. 1)**

   D.   Setting current track location-code to the first page of the navigation track;
        (Pg. 10, Para. 4) (Pg. 11, Para. 1)

   E.   Downloading track page data according to current track location-code; **(Pg.
        2, Para. 1) (Pg. 13, Para. 1)**

   F.   Editing current track page hyper text content: ("modified track page") **(Pg.
        8, Para. 5)**

        F(1) Adding hypertext navigation items linking to navigation options; **(Pg. 9,
        Para. 3)**

        F(2) Exchanging URLs' references of embedded objects to absolute URL
        references; **(Pg. 8, Para. 6)**

        F(3) Adding further hyper text language content or command ("added
        hypertext"). **(Pg. 9, Para. 3) (Pg. 13, Para. 1)**

   G.   Sending the modified current track page content to the user display; **(Pg.
        14, Para. 2) (Pg. 13, Para. 3)**

   H.   Presenting in mobile device screen respective information based on the
        current track page content; **(Pg. 4, Para. 4) (Pg. 13, Para. 3)**

   I.   Enabling user interaction, to select navigation option, based upon
        embedded navigation items to permit navigation through navigation track;
        (Pg. 13, Para. 5)

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J. Enabling user access to the added hypertext content or command; **(Pg. 13, Para. 5)**

K. Upon selecting navigation option by the user, identifying navigation target address; **(Pg. 13, Para. 2) (Pg. 14, Para. 1, 2)**

L. Start the process above from step E where the current track location-code is the navigation target address selected in J; **(Pg. 14, Para. 1,2)**

VII. ISSUES

Appellants request the Board of Patent Appeals and Interferences to consider the following issues:

1. Whether claims 1 through 23 are unpatentable under 35 U.S.C. § 102(a) based on the combination of three separate unrelated references: (1) Boor et al. (U.S. Pat. No. 6,317,781); (2) Saylor et al. (U.S. Pat. No. 6,501,832); and Smethers et al. (6,560,640).

Specifically:

a) Whether the Examiner established a prima facie case of obviousness by showing at least some motivation to combine the three unrelated reference he combined in order to reject claim 1.

b) Whether the three unrelated reference combined actually teach or suggest all the limitations of claim 1.

VIII. GROUPING OF CLAIMS

Claims 1-23 are to be considered as a single group for this appeal.

IX. ARGUMENT

These arguments are submitted in rebuttal to those presented in the above referenced Final Official Action and the First Official Action of January 11, 2002.

Claims 1- 23

Independent Claim 1 of the present invention recites:

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"A method for creating and operating a navigation platform provided for **navigating and orienting through network hyper text language based pages** of data accessed over a **mobile communications network** ("network pages") using a designated mobile device for **displaying network page content** and enabling user interaction, the method comprising the steps of:

A. receiving a collection of network pages ("track pages") and arranging them into sequences of network pages' URLs ("navigation track");

B. placing the navigation track at an accessible location on the mobile communications network ("navigation track source");

C. loading the navigation track from a navigation track source;

D. setting a code to denote a current user location within the navigation track ("track location-code") to the first page of the navigation track;

E. downloading track page data according to the current track location-code;

F. editing current track page data: ("modified track page") by performing at least one of:

adding hypertext navigation items linking to navigation options;

exchanging URLs' references of embedded objects to with absolute URL references; and

adding further hypertext language content or commands ("added hypertext")

G. sending a modified current track page from the accessible location over the mobile communications network to the a user display of the designated mobile device;

H. presenting on a screen of the user display of the mobile device respective information based on the current track page content;

I. enabling user interaction, to select a navigation option, based upon embedded navigation items in the current track page to permit navigation through the navigation track;

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J. enabling user access to the added hypertext content or command; and

K. upon selecting a navigation option by the user, identifying a navigation target address and downloading a next track page from the accessible location over the mobile communications network to the a user display of the designated mobile device according to an the identified navigation target address.".

The three cited references, which were combined by the Examiner as the basis of his 103 rejection of the sole independent claim 1, respectively teach:

(1) Boor et al. – "A system, method, and software product provide a wireless communications device with a markup language based man-machine interface. The man-machine interface provides **a user interface for the various telecommunications functionality of the wireless communication device**, including dialing telephone numbers, answering telephone calls, creating messages, sending messages, receiving messages, establishing configuration settings, which are defined in markup language, such as HTML, and accessed through a browser program executed by the wireless communication device. This feature enables direct access to Internet and World Wide Web content, such as Web pages, to be directly integrated with telecommunication functions of the device, and **allows Web content to be seamlessly integrated with other types of data**, since all data presented to the user via the user interface is presented via markup language-based pages. The browser processes an extended form of HTML that provides new tags and attributes that enhance the navigational, logical, and display capabilities of conventional HTML, and particularly adapt HTML to be displayed and used on wireless communication devices with small screen displays. The wireless communication device includes the browser, a set of portable components, and portability layer. The browser includes protocol handlers, which implement different protocols for accessing various functions of the wireless communication device, and content handlers, which implement various content display mechanisms for fetching and outputting content on a screen display."

(2) Saylor et al. – "A system and method for **registering voice codes ("VCodes") associated with stored content corresponding to the VCodes**, wherein

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the VCode may be used to access the stored content via telephone by calling a central number and **entering the VCode or verbally** describing the object, attraction or subject, in which case the verbal description is associated with a VCode or collection of VCodes."

(3) Smethers et al. — "Improved techniques that enable wireless devices to implement bookmarks with **improved transmission efficiency, reduced user navigation and/or reduced amounts of memory resources are disclosed**. One aspect of the improved techniques pertains to use of a compact request from a wireless device to an intermediate server when requesting a document or file by selection of a bookmark. Another aspect of the improved techniques is the ability of a user to select a bookmark to request the associated document or file with reduced user interaction (e.g., a single button action). Still another aspect of the improved techniques is that memory resources of the wireless devices need not be consumed to store network addresses (e.g., URLs) for the bookmarks."

In contrast to what is claimed in claim 1, the Boor reference teaches **a user interface for the various telecommunications functionality of the wireless communication device** so as to **allows Web content to be seamlessly integrated with other types of data**. The smothers reference teaches an improved techniques that enable wireless devices to implement bookmarks with **improved transmission efficiency**, resulting in **reduced user navigation and/or reduced amounts of memory resources**. While the most confusing of the reference cited was Saylor, which teaches a **method for registering voice codes ("VCodes") associated with stored content corresponding to the Vcodes**, which includes **entering the VCode or verbally**. Although the relevance to the claimed subject matter of each of the three cited references is questionable, the relevance of the Saylor reference is outright mind-boggling.

As has been well established in the U.S.P.T.O. and with the C.A.F.C., the combination of references intended to support an obviousness type rejection requires a showing of motivation to combine the references — none was provided. The Examiner is not allowed to merely use hindsight to support the combination of references -- which in the present situations appears to be what the Examiner is doing. Furthermore, it is established

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law that in combining references, the references should not require modification of references such that the modification destroys the references intended function -- however, the Examiner used at least one reference (e.g. Saylor) which had nothing to do with navigating through text/image based content. Non-analogous prior art should not be used in combination with other prior art to support a claim rejection – however, the Examiner used at least one reference (e.g. Saylor) which had nothing to do with navigating through text/image based content.

One specific example of the Examiner's misapplication of the Saylor reference is found on page 4 of the Final Office Action, where the Examiner argues that although Boor is silent about setting a code to denote user location within a navigation track, however, Saylor discloses such code. The Examiner makes reference to Col 17, Lines 5-8 of Saylor for support of his argument, but the term "current location" which Saylor refers to in this section is the **physical geographical location** of the user and not the **virtual location** of the user within a "navigation track"

Within the Final Office Action, there exist numerous other instances of the Examiner's misapplication of the Saylor reference. However, for purposes of this appeal, the Applicants will not bother The Board with more examples of the Examiner's misapplication of references than needed to prove the Examiner's failure to establish a Prima Facie case of obviousness upon which he relied to reject independent claim 1 and dependent claims 2 through 23.

Based on the above remarks, Applicants respectfully reiterate that the Examiner's combination of references in support of his 103 rejection of claim 1 appear to be inappropriate and unjustified under the current state of the patent law. Therefore, Applicants respectfully request reversal of the rejection of claim 1. Since claims 2 through 23 depend from claim 1, Applicants also request a reversal of the rejection of claims 2 through 23 by virtue of their dependence on claim 1, which claim Applicants believe to be allowable in-light of the above remarks.
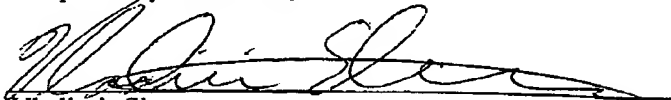
X.   CONCLUSION

Based on the arguments above, Appellants respectfully request reversal of the outstanding rejection, and allowance of claims 1-23.

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 If there is any question or comment as to the form, content, or entry of this paper, the Examiner is requested to telephone the undersigned counsel at the address and telephone number listed below.

Respectfully submitted,

Vladimir Sherman
Attorney for Applicant(s)
Registration No. 43,116

Dated: September 29, 2005
Vladimir Sherman
C/O LandonIP, Inc.
1700 Diagonal Road, Suite 450
Alexandria, VA 22314
TEL/FAX: (212)658-9933

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APPENDIX

Current State of the Claims

Claim 1 A method for creating and operating a navigation platform provided for navigating and orienting through network hyper text language based pages of data accessed over a mobile communications network ("network pages") using a designated mobile device for displaying network page content and enabling user interaction, the method comprising the steps of:

A. receiving a collection of network pages ("track pages") and arranging them into sequences of network pages' URLs ("navigation track");

B. placing the navigation track at an accessible location on the mobile communications network ("navigation track source");

C. loading the navigation track from a navigation track source;

D. setting a code to denote a current user location within the navigation track ("track location-code") to the first page of the navigation track;

E. downloading track page data according to the current track location-code;

F. editing current track page data: ("modified track page") by performing at least one of:

adding hypertext navigation items linking to navigation options;

exchanging URLs' references of embedded objects to with absolute URL references; and

adding further hypertext language content or commands ("added hypertext")

G. sending a modified current track page from the accessible location over the mobile communications network to the a user display of the designated mobile device;

H. presenting on a screen of the user display of the mobile device respective information based on the current track page content;

I. enabling user interaction, to select a navigation option, based upon embedded navigation items in the current track page to permit navigation through the navigation track;

J. enabling user access to the added hypertext content or command; and

K. upon selecting a navigation option by the user, identifying a navigation target address and downloading a next track page from the accessible location over the mobile communications network to the a user display of the designated mobile device according to an the identified navigation target address.

Claim 2 The method of claim 1 further comprising the step of:

prior to loading the navigation track, updating navigation track according to current circumstances e.g. time or place;

Claim 3 The method of claim 1 further comprising the step of enabling the user to edit the navigation track e.g. delete any page;

Claim 4 The method of Claim 1 using a designated proxy server ("navigation server"), further comprising the steps of:

- Further editing of page hypertext content by modifying URLs of "hyperlinks" so as to point to the location of the navigation server;

Upon selecting a hyperlink by the user, downloading the requested original page ("target page") by the navigation server;

Editing the target page hyper-text content according to step F of the first clam and the first step of claim 4; and

Transferring the modified track page to the mobile device;

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Claim 5 The method of claim 1, further comprising the steps of:

- Concurrently with downloading of the current track page in step E, further downloading the next-in-line pages along navigation track;

- Editing each downloaded track age according to the step F of claim 1 and first step of claim 4;

- Upon receiving request navigation target address of any track page, checking cache memory of navigation server for said track page;

- Sending the respective track page from the navigation server to the user mobile device if the navigation target address matches any of the track pages in the navigation server cache memory.

Claim 6 The method of claim 5 further comprising the steps of

- Prior to editing the downloaded track pages, merging several track pages into one track page ("united track page") wherein the size of the united track page is limited according to the mobile device constrains;

- Editing united track page according to the step F of claim 1 and first step of claim 4;

- Sending the modified united track page to the user mobile device; and;

- Displaying the respective track page, placed at the united track page, upon user request for target address matching one of the track pages of the united track page.

Claim 7 The method of claim 1 wherein the navigation item contains the current track location code and a second code denoting a request for moving to the next or previous track page along the navigation track.

Claim 8 The method of claim 1 wherein the navigation item contains a code denoting

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a request to re-load the navigation track from the navigation track source and to update the

location-code of the user agent to the first track.

Claim 9 The method of claim 1 further comprising the step of generating a network

page ("track map page") containing list of links where each link points at one of the track

pages.

Claim 10 The method of claim 9 wherein each of the navigation items contains a code

denoting the appropriate track page location, further comprising the step of displaying the

track map page at the user display.

Claim 11 The method of claim 1 further comprising the step of modifying any

network page ("modified network page") containing hyperlinks pointing at track pages by

editing said hyperlinks so as to point to the location of the navigation server.

Claims 12 The method of claim 1 wherein the hypertext language is in WML format.

Claim 13 The method of claim 1 wherein the mobile device is a cellular phone device.

Claim 14 The method of claim 1 wherein the aggregating operation is performed by

the user.

Claim 15 The method of claim 1 wherein the aggregating operation is performed by

professional editors further comprising the step of placing the navigation track accessible to

the users;

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Claim 16 The method of claim 1 wherein the aggregation operation is processed and

based on any dynamically created computer-generated collection of network pages ("dynamic

page list").

Claim 17 The method of claim 16 further comprising the steps of:

- Presenting the user with the dynamic page list; and

- Enabling the user to relocate directly to a location within the navigation track using

the dynamic page list.

Claim 18 The method of claim 16 wherein the aggregation operation further

comprises the steps of:

- Presenting the user with the dynamic page list;

- Enabling the user to select multiple network pages from the dynamic page list.

- Upon completion of the user-selection, updating the dynamic page list to contain

only said user-selected network pages.

Claim 19 The method of claim 16, wherein the dynamic page list is a search result

list.

Claim 20 The method of claim 16, wherein the dynamic page list is an inbox mail list.

Claim 21 The method of claim 6 wherein each track page is a WML deck and the

track pages are merged together into the united track page in the form of a deck containing

cards collected from the different WML decks of the navigation track.

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Claim 22 The method of claim 21 further comprising the step of displaying track

pages locally in user agent from united deck upon user navigation requests to such pages.

Claim 23 The method of claim 21 further comprising the step of collecting WML

pages until size of the united deck is optimized with respect to specific mobile device

capabilities.